

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Indian Medicine & Homoeopathy Department - Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Hyderabad - Allegation of unauthorized absence from duty - Punishment of 3% cut in pension permanent basis besides treating the period of un-authorized absence from 23-10-1992 to 31-05-1994 as "Dies-non" under the Andhra Pradesh Revised Pension Rules, 1980 - Orders - Issued.

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**HEALTH, MEDICAL AND FAMILY WELFARE (VC.II.2) DEPARTMENT**

**G.O.Rt.No. 173**

**Dated: 09-02-2009.**

**Read the following:-**

- 1) G.O. Rt.No.1290, HM&FW (I.2) Dept., dt.4-8-1992.
- 2) Government Memo.No.12687/I.2/94-1, dt.3-6-1994,
- 3) Charge Memo.No.8613/U1/94, dt.28-05-1994.
- 4) Govt. letter No.32209/I.1/92-37, dt.22-05-2001.
- 5) Govt. Memo.No.32203/VC.II.2/92-45, dt.08-11-2007.
- 6) Enquiry report received from the Principal, Govt. Tibbi College, Hyderabad, Memo.No.3140/E/NTC/2007-2, dt.19-03-2008.
- 7) Govt. Memo.No.32203/VC.II.2/92-48, dt.6-06-2008.
- 8) From Dr. Bahauddin, Retd. P.G. Professor, Govt. Nizamia Tibbi College, Hyd., letter dated 7-7-2008.
- 9) From the Secretary, A.P.P.S.C., letter No.99/RT-I/2/2005, dated 23-01-2009.

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**O R D E R:**

Whereas Dr. Bahauddin, formerly In-charge Reader. P.G. Unit, Government Nizamia Tibbi College, Hyderabad was transferred and posted as Regional Deputy Director, Indian Medicine & Homoeopathy, Kadapa in the existing vacancy, vide reference 1<sup>st</sup> read above. But, the individual did not join duty at the new station and he was absent unauthorisedly since August, 1992. He has also filed an O.A.No.5212/92 in the A.P. Administrative Tribunal requesting the Hon'ble Tribunal to declare the G.O. Rt.No.1290, Health, Medical and Family Welfare (I.2) Department, dt.4-08-1992 and its consequential order proceedings No.106/E/NTC/92, dated 18-08-1992 issued by the Principal, Government Nizamia Tibbi College, Hyderabad as arbitrary illegal, malafide, ultravires to rule 1 class III Category I of the A.P. Indian Medicine & Homoeopathy Service Rules and ultravires of G.O.Ms.No.97, dt.18-08-1992 and so to quash the same and directed to the Government to consider his case for posting him as Principal, Government Nizamia Tibbi College, Hyderabad after 31-08-1992. The A.P. Administrative Tribunal in its orders dated 22-12-1992 has however, dismissed the O.A.No.5212/92 filed by Dr. Bahauddin and hence the orders issued in G.O. Rt.No.1290, Health, Medical and Family Welfare (I.2) Department, dt.4-08-1992 stands. In spite of the said dismissal order of A.P. Administrative Tribunal, Dr. Bahauddin, did not join as Regional Deputy Director, Kadapa, instead he was reported to have been given Medical Leave without any Medical Certificate from 10-08-1992. Subsequently, he retired from service on attaining the age of superannuation on 31-05-1994 AN while on unauthorized absence.

(P.T.O.)

2. And whereas, in the reference 2<sup>nd</sup> read above, Government was issued instructions to Commissioner Indian Medicine & Homoeopathy to initiate disciplinary action against the above officer for his unauthorized absence from duty. The Commissioner Indian Medicine & Homoeopathy, Hyderabad had framed the charges against Dr. Bahauddin, calling for his explanation, vide reference 3<sup>rd</sup> read above. But, the Charged Officer has not submitted his explanation to the Charge Memo, therefore, Government have taken a provisional decision to impose a punishment of 3% cut from the service pension under rule 9(2) (a) of A.P. Revised Pension Rules, 1980, besides the period of unauthorized absence w.e.f. 23-10-1992 to 31-05-1994 treated as 'Dies-non'. Accordingly, Government have issued a show cause notice to the above Charged Officer calling for his explanation. The Charged Officer has submitted his reply to the show cause notice and after examination of Charged Officer's reply, the Government have confirmed the provisional decision and a letter has forwarded to the A.P. Public Service Commission for their concurrence to impose the punishment cut in 3% in pension and the unauthorized period from 23-10-92 to 31-05-94 treated as 'Dies Non', vide reference 4<sup>th</sup> read above.

3. And whereas, the Commission in their letter dated 11-06-2001, have stated that, it is felt that the procedure laid down in A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 or A.P. Revised Pension Rules, 1980 does not seem to have been followed and it is not known whether regular departmental enquiry was ordered and Enquiry Officer has appointed.

4. And whereas, Government after examine the entire issue, and it is found that no regular departmental enquiry was ordered in this case. Hence, Government decided that the Principal, Government Nizamia Tibbi College, Hyderabad has appointed as Regular Enquiry Officer to inquire into the charges framed against the said Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Charminar, Hyderabad, vide reference 5<sup>th</sup> read above. The Enquiry Officer has submitted Enquiry report, vide reference 6<sup>th</sup> read above.

5. Government, after careful examination of the Enquiry Officer's report, have taken a provisional decision taken against Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Charminar, Hyderabad to impose punishment of 3% cut from the service pension under rule 9(2) (a) of A.P. Revised Pension Rules, 1980, besides the period of unauthorized absence w.e.f. 23-10-1992 to 31-05-1994 treated as "Dies-non". Accordingly, a revised show cause notice has issued under A.P. Revised Pension Rules, 1980, against Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Charminar, Hyderabad, vide reference 7<sup>th</sup> read above, and the Charged Officer has submitted his reply, vide reference 8<sup>th</sup> read above. As the explanation submitted by the individual was not found convincing, therefore, Government have decided to confirm the provisional decision of impose a punishment of 3% cut from the service pension permanently, besides the period of unauthorized absence w.e.f. 23-10-1992 to 31-05-1994 treated as "Dies-Non" on Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Charminar, Hyderabad for the charges leveled against him and were held as proved.

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6. And whereas, the Andhra Pradesh Public Service Commission who were consulted in the matter, have conveyed the concurrence of the Commission vide reference 9<sup>th</sup> read above.

7. Now, therefore, the Government under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 hereby impose the punishment of 3% cut from the service pension permanently, besides the period of unauthorized absence w.e.f. 23-10-1992 to 31-05-1994 treated as "Dies-non" on Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College, Charminar, Hyderabad.

8. The Commissioner, Department of AYUSH, Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. VIJAY KUMAR  
EX-OFFICIO SECRETARY TO GOVERNMENT

To

Sri Dr. Bahauddin, Professor (Retired), Government Nizamia Tibbi College,  
Charminar, Hyderabad **through** the Commissioner,  
Department of AYUSH, A.P. Hyderabad.

The Commissioner, Department of AYUSH, A.P. Hyderabad.

**Copy to:**

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

P.S. to Minister (VVP&HS).

P.S. to Ex-Officio Secretary to Government.

The Health, Medical & Family Welfare (I) Department.

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER